

★ OCT 13 2010 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----x
FRANCISCA TRINIDAD,

BROOKLYN OFFICE

Plaintiff,

MEMORANDUM AND ORDER

08-CV-2782 (SLT) (CLP)

-against-

STEVEN GEIGER, *et al.*,

Defendants.
-----x

TOWNES, United States District Judge:

On November 23, 2009, Jeffrey Miller & Associates, P.C., counsel for defendants Baron Auto Mall, Inc. and Vladimir Zanan, moved to withdraw from further representation of defendants, claiming that counsel had been unable to contact their clients. Magistrate Judge Cheryl L. Pollack ordered a hearing on the motion for December 16, 2009. Neither Mr. Zanan nor anyone from Baron Auto Mall appeared at the hearing and no objections to the motion were made.

Judge Pollack therefore granted counsel's request and ordered defendants to obtain new counsel or contact the Court by January 19, 2010. The Order further stated that failure to do so would result in a recommendation that a default judgment be entered against these defendants. The Court sent notice of this Order to defendants; however, Mr. Zaman's notice was returned as undeliverable with the postal notation: "Return to Sender - Not Deliverable as Addressed - Unable to Forward." This was part of the problem experienced by counsel, which led to the request to withdraw.

On August 2, 2010, plaintiff filed a Motion for Default Judgment as to Baron Auto Mall, Inc. and Mr. Zaman. Neither of these defendants have contacted the Court regarding this case

since the issuance of the Court's December 16, 2009 Order more than eight months ago. On September 15, 2010, Judge Pollak issued her report and recommendation ("R&R"), recommending that default be entered in this case against defendants Baron Auto Mall, Inc. and Vladimir Zaman. The R&R advised defendants that any objections must be filed with the Clerk of Court within fourteen (14) days of the receipt of the R&R. R&R at 2. However, as of the date of this Memorandum and Order, defendants have neither filed objections to the R&R nor requested an extension of time in which to do so.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Even when no objections are filed, however, many courts seek to satisfy themselves "that there is no clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007).

This Court has reviewed the R&R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Magistrate Judge Pollak's Report and Recommendation dated September 15, 2010, recommending that the plaintiff's motion be granted and that default be entered against defendants Baron Auto Mall, Inc. and Vladimir Zanan, is adopted in its entirety. Plaintiff's application for a default judgment against defendants Baron Auto Mall, Inc. and Vladimir Zanan is referred to Judge Pollack to conduct an inquest and recommend damages.

SO ORDERED.

s/ SLT

SANDRA L. TOWNES
United States District Judge

Dated: October 7, 2010
Brooklyn, New York